



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

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CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15367 of 2011
and
M.P.Nos.1, 2 of 2011

M.Periyasamy

Vs.

...Petitioner

1. The Territorial Manager
Bharath Petroleum Corporation Ltd
Kadaparai Village
Attur Post
Karur District-639 002
2. The Additional District Magistrate Cum
Revenue Divisional Officer
Collectorate Campus
Salem District
3. The Joint Chief Controller of Explosives
South Circle Office
No.140,
Ruckmani Laxmipathi Road
Egmore, Chennai - 600 008
4. The Ministry of Petroleum and Natural Gas
Shastri Bhavan
New Delhi
Rep. by its Secretary

5. S.Senthil Kumar

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the entire records which culminated in the issuance of the proceedings of the second respondent in Roc.No. 28008/2009/C2 dated 25.05.2011, quash the same.



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For Petitioner	:	Mr.P.Ganesan for M/s.C.S.Associates
For R1	:	Mr.O.S.Karthikeyan
For R2	:	Mr.C.Selvaraj Additional Government Pleader
For R3	:	Mrs.Sangeetha Rajkumar
For R4	:	Mr.P.G.Santhosh Kumar
For R5	:	Mr.T.R.Raja Raman

O R D E R

The 'No Objection Certificate' (NOC) granted in favour of the 5th respondent for shifting of petrol outlet from Attur to Malliyakarai village was taken by way of an appeal, which was filed by the writ petitioner before the Additional District Magistrate and District Revenue officer. The District Revenue Officer adjudicated the issues based on the appeal filed by the petitioner and rejected the objections made by the petitioner and confirmed the 'No Objection Certificate' (NOC). The said order passed by the District Revenue Officer in proceedings dated 25.05.2011 is under challenge in the present writ petition.

2. When the grant of 'No Objection Certificate' (NOC) is confirmed and the learned counsel for the 1st respondent / Oil Corporation made a submission that such complaints are made pursuant to the trading rivalry, cannot be a ground to interfere with the order now at this length of time. The 5th respondent was already granted with the license and he is running the retail for the past about 10 years.

3. In view of the fact that the objections submitted by the petitioner was over-ruled and the 5th respondent was permitted to shift the petrol retail outlet and running the same about past 10 years, no useful purpose would be served, in the event of further adjudication with reference to the grounds raised in this writ petition. If at all, any grievances exist for the petitioner as of now, it is left open to him to approach the competent authorities in the manner known to law.

4. The learned counsel for the petitioner made a submission that the 5th respondent is deviating the Procedures, Rules and Regulations. If at all, any deviation of Rules and Regulations is traced out by the competent authorities of the



Oil Corporation, they are bound to initiate all the appropriate actions in the manner known to law.

5. With these observations, the Writ Petition stands disposed of. No cost. Consequently connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Jeni/Nti

To

1. The Territorial Manager,
Bharath Petroleum Corporation Ltd.,
Kadaparai Village,
Attur Post,
Karur District-639 002.
2. The Additional District Magistrate Cum
Revenue Divisional Officer,
Collectorate Campus,
Salem District.
3. The Joint Chief Controller of Explosives
South Circle Office,
No.140, Ruckmani Laxmipathi Road
Egmore,
Chennai - 600 008.
4. The Secretary,
The Ministry of Petroleum and Natural Gas
Shastri Bhavan,
New Delhi.

+1cc to Mr.T.R.Raja Raman, Advocate, S.R.No.61012

W.P.No.15367 of 2011

GPL[co]
NSK 07/12/2021